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11595-8

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Bernd Spaniol

Application No.: 10/759,692

Group Art Unit: 1742

Filing Date: January 16, 2004

Examiner: Zheng, Lois L.

FOR: OXYGEN-ENRICHED NIOBIUM WIRE

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Commissioner for Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. § 1.56, Applicant submits herewith patents, publications or other information of which they are aware, listed on form PTO-1449, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose. Legible copies of all items listed on form PTO-1449 accompany this information disclosure statement.

The present Information Disclosure Statement is being submitted prior to the issuance of a first action on the merits in the present application.

The references were cited in the a Japanese application corresponding to the present application.

The present invention recites an oxygen-enriched niobium wire which is not believed to be disclosed by the enclosed references.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists. The filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

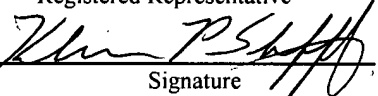
It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO-1449 with initials or other appropriate marks.

If this communication is filed after the shortened statutory time period had elapsed and no separated Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time of filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. §1.17 should be charged to our Deposit Account No. 06-2143. In the event that the actual Appeal Fee is greater than the payment submitted herewith or is not enclosed, the Patent Office is authorized to charge the underpayment to Deposit Account No. 06-2143.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 27, 2008

Klaus P. Stoffel

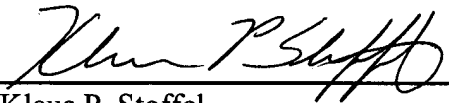
Name of applicant, assignee or  
Registered Representative

  
Signature

October 27, 2008

Date of Signature

Respectfully submitted,



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October 27, 2008